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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

W. P. No.1317 of 2001

PETITIONER Villi Aigik S/o A. Swamy, aged about 32 years, R/o Quarters No.:-84/16, Old Loco Kholi, Rly. Settlement, Bilaspur, Chhattisgarh and a retrenched employee of S.E. Rly, Bilaspur. Pin code.:- 495004.

Versus

RESPONDENTS

1. Union of India, represented by General Manager of S.E.Rly. Gardenreach, Calcutta-43.
2. Divisional Rly. Manager, S.E. Rly, DRM-Office, Rly. Settlement, Bilaspur, Chhattisgarh
3. Sr. Divisional Personnel Manager, S.E. Rly. DRM's Office-Complex, Rly. Settlement. Bilaspur, Chhattisgarh

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Present : Shri R.K. Tiwari, counsel for the petitioner.

Shri Vinay Harit, Sr. Adv. with Shri P.S. Koshy, counsel for the respondents.

ORAL ORDER

(Passed on 20th March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, C.J.**

This writ petition is filed under Articles 226/227 of the Constitution of India by the petitioner being aggrieved by the order passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur ('the Tribunal' for short) in O.A. No.277 of 2001, dated 26.04.2001.

(2) The petitioner before us had filed an application before the Tribunal inter alia requesting the Tribunal to direct the Railway Authorities to appoint the petitioner on compassionate ground.

(3) The petitioner's father was an employee working in the South Eastern Railway ('Railways' for short). He retired from service on 25.02.1977. This is evident from Annexure R-7 produced by the respondents along with their return. The death of the petitioner's father was some time in the month of April 1977. That only means the petitioner's father died after he retired from service.

(4) The mother of the petitioner was appointed by the Railways purely as a casual worker for a period of three months. Since she was unable to continue with the work, the Railway Authorities had also appointed the petitioner as a seasonal worker/casual worker. That again was for a particular period and after expiry of the particular period, his services were discontinued by the Railways. The Tribunal keeping all these aspects in view has come to the conclusion that the request of the petitioner in the application cannot be granted. Accordingly, the Tribunal has rejected the application by its order dated 26.04.2001. It is the correctness or otherwise of the said order is the subject matter of this writ petition.

(5) Learned counsel appearing for the petitioner contends before us that under the scheme framed by the Railways, the petitioner is entitled for compassionate appointment. We are afraid that the submission made by the learned counsel for the petitioner has any merit whatsoever.

(6) In the instant case, we have already noticed that the father of the petitioner retired from service in the month of February, 1977 and expired only thereafter sometime in the month of April, 1977. Any appointment that was given to the petitioner's mother and the petitioner cannot be construed as an appointment made on the compassionate ground. Since the father of the petitioner expired after he was retired from service, the Tribunal was justified in coming to the conclusion that the petitioner as a matter of right is not entitled for any appointment on compassionate ground. We do not find any lacuna or

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error in the order passed by the Tribunal. Accordingly, the writ petition stands rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge